

REMARKS

In the present Office Action, dated October 5, 2005, claims 1-6, 8, 9, and 87 are pending in the Application. Claims 1-6, 8, 9, and 87 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,539,395 B1 (Gjerdingen et al.) in view of U.S. Pat. No. 6,721,741 (Eyal et al.). Applicants submit that the pending claims are patentable over the cited art in view of the following remarks.

Rejection of claims 1-6, 8, 9, and 87 under § 103(a)

Claim 1 recites the following:

1. A method for matching a user's musical preferences, comprising:
providing a specific choice of user preferences in song content to a content provider;
mapping the specific choice of user preferences in a song analysis and matching system using a set of fundamental musical properties that captures the user's preferences in song content;
scanning a database using the song analysis and matching system to find other songs that have a similar mapping of musical properties; and
playing automatically to the user other songs that have a similar mapping of musical properties.

(emphasis added). Whereas claim 1 recites “providing a specific choice of user preferences in song content to a content provider,” Gjerdingen et al. does not. Gjerdingen et al. requires user input to provide preferences: a “plurality of questions *require* listener response...” (Abstract). Claim 1 recites the providing of user preferences via “song content” not via answers to questions. Put another way, in Gjerdingen et al., the users must first ‘set-up’ the system by providing answers to questions, whereas claim 1 recites a more efficient and intelligent way of conveying preferences via “song content”, thus not requiring the user to have to ‘set-up’ the system. In short, the Applicants submit that Gjerdingen et al. nowhere discloses “providing a specific choice of user preferences *in song content* to a content provider” (claim 1) (emphasis added). Gjerdingen et al. provides a specific choice of user preferences *in answers to questions* to a content provider.

As explained already in the previous response, Eyal et al. likewise does not disclose this claimed limitation, since it discloses a user-interface for prompt user input, such as for

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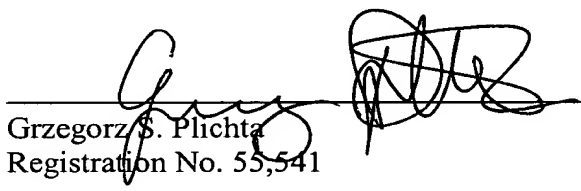
one or more search criteria. And, furthermore, it was not cited in the first place as addressing this limitation.

Inasmuch as claims 2-6, 8-9, and 87 depend directly from claim 1, Applicants submit that they are allowable for at least the same reasons. Withdrawal of the rejection and allowability of the pending claims is thus earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submit that claims 1-6, 8-9, and 87 of the Application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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